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THE BOMBAY PREVENTION OF EXCOMMUNICATION ACT, 1949.

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BOMBAY ACT No. XLII OF 1949.[1]

[THE BOMBAY PREVENTION OF EXCOMMUNICATION ACT, 1949.]

[*1st November 1949*]

An Act to prohibit excommunication in the Province of Bombay.

WHEREAS it has come to the notice of Government that the practice prevailing in certain communities of excommunicating its members is often followed in a manner which results in the deprivation of legitimate rights and privileges of its members;

AND WHEREAS in keeping with the spirit of changing times and in the public interest, it is expedient to stop the practice; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Bombay Prevention of Excommunication Act, 1949. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "community" means a group the members of which are connected together by reason of the fact that by birth, conversion or the performance of any religious rite they belong to the same religion or religious creed and includes a caste or sub-caste;

(*b*) "excommunication" means the expulsion of a person from any community of which he is a member depriving him of rights and privileges which are legally enforceable by a suit of civil nature by him or on his behalf as such member;

Explanation.—For the purposes of this clause a right legally enforceable by a suit of civil nature shall include the right to office or property or to worship in any religious place or a right of burial or cremation, notwithstanding the fact that the determination of such right depends entirely on the decision of the question as to any religious rites or ceremonies or rule or usage of a community.

3. Notwithstanding anything contained in any law, custom or usage for the time being in force, to the contrary, no excommunication of a member of any community shall be valid and shall be of any effect. Excommunication not to be valid and of any effect.

4. Any person who does any act which amounts to or is in furtherance of the excommunication of any member of a community shall, on conviction, be punished with fine which may extend to one thousand rupees. Penalty.

Explanation.—When any person alleged to have committed an offence under this section is a body or an association of individuals, whether incorporated or not, if the offence is alleged to have been committed at a meeting of such body or association, any individual who has voted in favour of the decision regarding the excommunication shall be deemed to have committed the offence.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 424.

Jurisdiction under this Act.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under section 4. V of 1898.

Mode of taking congnizance of offence.

6. No Court shall take cognizance of an offence punishable under section 4,—

(*a*) after the expiry of one year from the date on which the offence is alleged to have been committed, and

(*b*) without the previous sanction of the Provincial Government or any officer authorised by the Provincial Government not below the rank of the Commissioner of Police in Greater Bombay and the District Magistrate elsewhere.

BOMBAY ACT No. XXXIV OF 1949.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1949.]

[*14th October 1949*]

An Act to amend the Court-fees Act, 1870, in its application to the Province of Bombay.

VII of 1870.

WHEREAS it is expedient to amend the Court fees Act, 1870, in its application to the Province of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Court-fees (Bombay Amendment) Act, 1949. Short title.

2. In the Court-fees Act, 1870, after section 1A, the following section shall be inserted, namely:— Insertion of new section 2 in Act VII of 1870.

"2. In this Act, 'Collector' shall include any officer authorised by the Chief Controlling Revenue-authority to perform the functions of a Collector under this Act." Definition of "Collector".

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 243.

Government of Bombay
Legal Department

The Bombay Code

Volume III

Containing,

The Acts passed by the Bombay Legislature from 1949 onwards ; the Regulation made by the Governor of Bombay under sub-section (2) of section 92 of the Government of India Act, 1935 ; and a Chronological Table of Acts with an Index and a General Index

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BOMBAY ACT No. V OF 1950.[1]

[THE BOMBAY MEDICAL PRACTITIONERS' (AMENDMENT) ACT, 1950.]

[*1st April 1950*]

An Act to amend the Bombay Medical Practitioners' Act, 1938.

Bom. XXVI of 1938.

WHEREAS it is expedient to amend the Bombay Medical Practitioners' Act, 1938, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Medical Practitioners' (Amendment) Act, 1950.

2-11. [*The amendments made by sections 2-11 (both inclusive) have been incorporated in the principal Act.*]

Construction of references in enactments, rules, regulations, orders, etc.

12. References in any enactment, rule, regulation, order, notification, by-law, application or instrument in force on the day immediately before the coming into force of this Act to "the Board of Indian Systems of Medicine, Bombay" and to "the Faculty of Indian Systems of Medicine, Bombay" shall respectively be construed as references to "the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay" and to "the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay".

Suits and proceedings.

13. If at the commencement of this Act any legal proceedings are pending to which the Board of Indian Systems of Medicine, Bombay, or the Faculty of Indian Systems of Medicine, Bombay, is a party, the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, and the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, shall, respectively, be deemed to be substituted therefor.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 53.

BOMBAY ACT No. XXIV OF 1950.[1]

[THE POONA UNIVERSITY (AMENDMENT) ACT, 1950.]

[*10th May 1950*]

An Act to amend the Poona University Act, 1948.

Bom. XX of 1948.

WHEREAS it is expedient to amend the Poona University Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Poona University (Amendment) Act, 1950.

2-3. [*The amendments made by sections 2 and 3 have been incorporated in the principal Act.*]

Members from municipalities in Satara District and from District Local Board, Satara, to cease to be members of Court.

4. The member elected by the District Local Board of the Satara District and the member elected by the municipalities in the Satara District shall cease to be members of the Court with effect from such date as the State Government may appoint in this behalf.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part. V, p. 204.

BOMBAY ACT No. XXXIV OF 1950.[1]

[THE CATTLE-TRESPASS AND BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1950.]

[*6th November 1950*]

An Act to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890.

I of 1871. Bom. IV of 1890.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Cattle-trespass and Bombay District Police (Amendment) Act, 1950.

I of 1871.

Amendment of sections 10, 12 and 26 of, and insertion of new section 28A in, Act I of 1871.

2. In the Cattle-trespass Act, 1871,—

(*1*) in section 10, after the words "or any part thereof" the following shall be inserted, namely:—

Bom. VI of 1933.

"or a watch and ward appointed by a panchayat established under the Bombay Village Panchayats Act, 1933, or any person authorised by the State Government in this behalf, either by name or by virtue of office,";

(*2*) in section 12,—

(*a*) the words "head of" shall be deleted;

(*b*) for the words "Different scales may be prescribed for different local areas" the following shall be substituted, namely:—

"Progressively increasing scales may be prescribed in respect of cattle belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times such cattle are impounded and different scales may be prescribed for different local areas.";

(*3*) in section 26,—

(*a*) the first paragraph shall be numbered as sub-section (*1*) of that section;

(*b*) after sub-section (*1*) so numbered, the following sub-sections shall be inserted, namely:—

"(*2*) The Magistrate trying the offence under sub-section (*1*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence;

(*b*) that the pigs in respect of which the offence has been committed shall be forfeited to the State Government.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, page 233.

(*3*) Any compensation awarded under sub-section (*2*) may be recovered as if it was a fine imposed under this section." ;

(*c*) the second paragraph shall be numbered as sub-section (*4*) of that section and in sub-section (*4*) so numbered the words "the foregoing portion of" shall be deleted ;

(*4*) after section 28, the following section shall be inserted, namely :—

Offence under section 26 to be cognizable.

"28A. The offence under section 26 shall be cognizable."

3. [*The amendments made by section 3 have been incorporated in the Bombay District Police Act, 1890 (Bom. IV of 1890).*]